

(FV)

Docket No.: 025444.1132-US01  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Melton B. Affrime et al.

Application No.: 09/760,588

Group Art Unit: 1614

Filed: January 16, 2001

Examiner: . C. Delacroix-Muirheid

For: TREATING ALLERGIC AND  
INFLAMMATORY CONDITIONS

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Interview Summary Record; and
2. Return receipt postcard.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0740, under Docket No. 025444.1132-US01. A duplicate copy of this paper is enclosed.

It is not believed that extensions of time fees are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application,

then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 50-0740.

Dated: June 9, 2006

Respectfully submitted,

By 

Natalie M. Derzko

Registration No.: 48,102

Paul J. Berman

Registration No.: 36,744

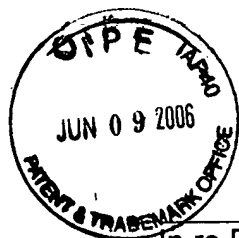
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**INTERVIEW SUMMARY RECORD**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to thank Examiner Cybille Delacroix-Muirheid for granting and conducting a telephonic interview with Applicants' representative, Natalie Derzko, on March 13, 2006. Moreover, Applicants wish to thank Examiner Christopher Low for granting and conducting a telephonic interview with Applicants' representative, Paul Berman, on March 14, 2006. Applicants submit this Interview Summary Record to fulfill the requirements set forth in 37 C.F.R. § 1.133 with respect to each of those interviews.

During the March 13, 2006 telephonic interview, Examiner Delacroix-Muirheid reported that, pursuant to a patentability conference held including herself, Examiner Low and another unidentified patent examiner, it was decided that certain proposed draft claims submitted to the Examiner previously for her consideration were unpatentable in view of Melton Affrime, et al., "A Pharmacokinetic Profile of Desloratadine in Healthy Adults, Including Elderly" Clin. Pharmacokinetics 2002: 41 Suppl. 1: 13-19 ("the Affrime article"). According to the Examiner, the Office was of the view that the proposed claims failed to overcome the 35 U.S.C. § 102(e) rejection over

U.S. Patent No. 6,100,274 to Kou ("the '274 patent"), which was to be read in conjunction with the Affrime article.

During the March 14, 2006 interview, Examiner Low reiterated the Patent Office's position delineated by Examiner Delacroix-Muirheid. According to Applicants' understanding, Examiner Low indicated that he was of the view that the '274 patent inherently anticipates all pharmacokinetic profiles resulting from the administration of the 5 mg desloratadine formulation taught by the '274 patent for any dosage period ranging from as few as one day to as many as an unlimited number of days.

No agreement was reached with respect to the proposed claims.

Dated: June 9, 2006

Respectfully submitted,

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